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7 UNITED MICROELECTRONICS CORPORATION

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9 **IN THE UNITED STATES DISTRICT COURT**  
10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

11 MICRON TECHNOLOGY, INC.,

12 Plaintiff,

13 v.

14 UNITED MICROELECTRONICS  
15 CORPORATION, FUJIAN JINHUA  
16 INTEGRATED CIRCUIT CO., LTD.,  
and DOES 1-10

17 Defendants.  
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Case No. 3:17-CV-6932-MMC

DEFENDANT UNITED  
MICROELECTRONICS  
CORPORATION'S ADMINISTRATIVE  
MOTION TO FILE MATERIALS UNDER  
SEAL

Judge: Hon. Maxine M. Chesney  
Courtroom: 7 – 19<sup>th</sup> Floor  
Hearing date: March 29, 2019  
Hearing time: 9:00 a.m.

FAC Filed: February 8, 2019

## I. INTRODUCTION

Pursuant to Civil Local Rules 7-11 and 79-5, Defendant United Microelectronics Corporation (“Defendant” or “UMC”) hereby submits this administrative request for a narrowly-tailored Order authorizing the sealing of certain materials filed in connection with UMC’s concurrently-filed Reply in Support of Motion to Dismiss Plaintiff Micron Technology, Inc.’s First Amended Complaint (“Reply Brief”).

UMC submits this Motion and the Declaration of Mario Moore in Support of UMC’s Administrative Motion to Seal (“Moore Decl.”), which together and with any declarations submitted by Plaintiff Micron Technology, Inc., establish compelling reasons to protect the confidentiality of the information contained in portions of UMC’s Reply Brief, the supporting Declaration of John Berg, exhibit D to the supporting Reply Declaration of Mario Moore, and exhibits 19 and 20 to the supporting Declaration of Robert Litts.

UMC hereby gives Micron notice of its obligations to file supporting declarations under Civil L.R. 79-5(e)(1) to establish grounds for sealing certain documents identified below.

Specifically, UMC seeks to seal:

<b><i>DOCUMENT</i></b>	<b><i>BASIS FOR SEALING</i></b>
Moore Reply Declaration, Exhibit D (7/18 deposition transcript of Jonathan Heller)	Micron has designated information in this document as confidential and is hereby given notice under Civil L.R. 79-5(e)(1). <sup>1</sup>
Berg Declaration	Portions of this document are properly sealable per the Moore Declaration, ¶ 2. Additionally, Micron has designated certain information in this document as confidential and is hereby given notice under Civil L.R. 79-5(e)(1).
Litts Declaration, Exhibit 19 (AMAT UMC Project M Weekly Meeting presentation)	Portions of this document are properly sealable per the Moore Declaration, ¶ 2.
Litts Declaration, Exhibit 20 (UMC - TEL Etch DRAM Status Update presentation)	Portions of this document are properly sealable per the Moore Declaration, ¶ 2.

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<sup>1</sup> Documents designated as confidential by Micron are being filed redacted or wholly under seal pursuant to Civil L.R. 79-5(e) pending submission of a supporting declaration. Should the Court order that only portions of these documents be properly sealed in light of any such submission, UMC will file a redacted version conforming with any such Order.

## II. CONTROLLING LAW

Under Civil Local Rule 79-5(a), an order to seal may issue “upon a request that establishes that the document, or portions thereof, is privileged or protectable as trade secret or otherwise entitled to protection under the law.” A trial court has broad discretion to permit sealing of court documents for the protection of “a trade secret or other confidential research, development, or commercial information.” Fed. R. Civ. P. 26(c)(1)(G). The party designating confidential materials should provide compelling reasons to support sealing documents associated with a dispositive motion, such a motion to dismiss. “In general, compelling reasons sufficient to outweigh the public’s interest in disclosure and justify sealing court records exist when such court files might have become a vehicle for improper purposes, such as the use of records to gratify private spite, promote public scandal, circulate libelous statements, or release trade secrets.” *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006) (internal quotations omitted).

## III. COMPELLING REASONS SUPPORT UMC’S MOTION TO SEAL

UMC’s main basis for sealing portions of the declaration of John Berg in support of UMC’s Reply in Support of Motion to Dismiss Plaintiff Micron Technology, Inc.’s First Amended Complaint is that the Berg Declaration contains material designated by Micron as Confidential-Attorneys’ Eyes Only and/or Confidential under the Protective Order in this case, and discloses material that has elsewhere been designated as Confidential-Attorneys’ Eyes Only and/or Confidential under the Protective Order.

UMC’s basis for sealing Exhibits 19 and 20 to the Litts Declaration, and portions of the Berg Declaration citing to those exhibits, is that those documents are confidential, internal UMC documents reflecting UMC’s confidential research and development efforts as well as confidential information of UMC’s partners that was provided to UMC pursuant to non-disclosure agreements and other confidentiality obligations that UMC is bound to.

UMC’s basis for sealing Exhibit D to the Moore Declaration in Support of UMC’s Reply Brief is that it contains material designated by Micron as Confidential-Attorneys’ Eyes Only and/or Confidential under the Protective Order in this case.

1 **IV. CONCLUSION**

2 For the foregoing reasons, pursuant to L.R. 79-5(e), UMC requests that the aforementioned  
3 documents be filed under seal.

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5 DATED: March 15, 2019

Respectfully submitted,

6  
7 By /s/ Mario Moore

8 Mario Moore

9 *Attorney for Defendant*

10 UNITED MICROELECTRONICS  
11 CORPORATION